

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

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NOV 21 2003

In re:

Federal Communication Commission  
Bureau / Office

Amendment of Section 73.202(b)

FM Table of Allotments

MM Docket No.

To Reserve for Noncommercial Educational

Use

Channel 252A,

Canton, Illinois

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To: Media Bureau,  
Audio DivisionFederal Communications Commission  
Office of the Secretary**PETITION FOR RULEMAKING**

Illinois State University ("ISU"), by its counsel and pursuant to Section 1.420 of the FCC Rules and the FCC's Public Notice in DA 03-2990 (released September 30, 2003), which announced a filing window for noncommercial reservation showings for vacant FM allotments, hereby requests that the Commission reserve for noncommercial educational use the vacant FM allotment on Channel 252A in Canton, Illinois. Reserving the allotment would serve the public interest by providing the community of Canton and surrounding areas with significant first and second local noncommercial educational service. ISU commits to apply for Channel 252A, if allotted and reserved for noncommercial use. See Attachment A.

**Background**

ISU is a public institution of higher education in the state of Illinois. Founded in 1847, ISU was the first public university in the State of Illinois. In furtherance of its educational mandate, ISU is the licensee of public radio Station WGLT(FM), 89.1 MHz, Normal, Illinois and an FM translator station in the Peoria, Illinois area. ISU now hopes to further expand its

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 List of Attachments 7m-mB  
03-462

noncommercial educational radio service by reserving for noncommercial educational use the vacant Channel 252A allotment in Canton, Illinois.

In support of this petition, ISU submits the following:

**The Reservation of Channel \*252A at Canton, Illinois Satisfies Technical and Regulatory Requirements**

This proposal complies with the two criteria for NCE reservation set forth in the *Second Report and Order*, 18 FCC Rcd 6691 (2003). First, as detailed in Attachment B, Engineering Statement of D.L. Markley & Associates, Inc., use of reserved band Channels 200-220 for equivalent noncommercial service to the area is technically precluded. As the Engineering Statement demonstrates on a channel by channel basis, there is no reserved band noncommercial educational channel available to be used. Second, also as detailed in the attached Engineering Statement, reservation of Channel 252A for noncommercial educational use would provide first or second noncommercial educational radio service to over 10% of the population within the allotted channel's service area. In fact, reservation of this allotment would provide a first noncommercial educational FM service to 9,643 persons, over 19.9 percent of the population within the 60 dbu service contour. See Engineering Statement, page 3. The reservation would also provide a second noncommercial educational radio service to 16,643 persons, over 34.4 percent of the population within the 60 dbu service contour. See Engineering Statement, page 4

**Reservation Would Provide the Canton Area with a Valuable Source of Noncommercial Educational Programming**

The reservation of Channel 252A for noncommercial use would provide a substantial portion of the service area -- over 50% -- with either a first or second noncommercial educational radio service. Moreover, as demonstrated above, the reservation of the allotment in Canton

would reduce noncommercial educational radio white area, in furtherance of the Congressional mandate in Section 396 of the Communications Act.<sup>1</sup>

The Commission recognizes the value of local programming, especially in noncommercial, educational broadcasting. *See, e.g., Educational TV Assignment at Terre Haute, Indiana*, 19 RR 2d 1850, 1853 (1970) (“We have repeatedly announced our policy to forward local programming in the broadcast services. Local programming is essential particularly in the field of education in that local programming can most effectively deal with the specific problems, needs, and interests in the community being served.”)

### Conclusion

For all of these reasons, ISU requests that the Commission institute a rulemaking proceeding to amend Section 73.202(b) of its Rules to reserve Channel 252A at Canton, Illinois for noncommercial educational use.

Respectfully submitted,

ILLINOIS STATE UNIVERSITY

By: 

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November 21, 2003

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<sup>1</sup> “It is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies.” 47 U.S.C. § 396(a)(9).

**CERTIFICATE OF SERVICE**

I, Sue Fischer, hereby certify that the foregoing Petition for Rulemaking was served this 21st day of November, 2003, by first class United States mail, postage prepaid, upon the following: :

Rolanda F. Smith\*  
Audio Division  
Room 2-B450 445  
12th Street SW  
Washington, D.C. 20554

John F. Garziglia  
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\_\_\_\_\_  
Sue Fischer

\* Via Hand Delivery

# ATTACHMENT A

ILLINOIS STATE  
UNIVERSITY



*Office of the President*

421 Hovey Hall  
Campus Box 1000  
Normal, IL 61790-1000  
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**Declaration**

I, Dr. Al Bowman, President of Illinois State University, hereby declare under penalty of perjury that the University intends to apply for and prosecute an application for this FM channel in Canton, Illinois, if the channel is reserved for noncommercial educational use. The statements set forth in this Petition are true and correct to the best of my knowledge and belief.

ILLINOIS STATE UNIVERSITY

By: \_\_\_\_\_

Clarence Alvin Bowman

Title: President, Illinois State University

Date: November 20, 2003

# ATTACHMENT B

**Petition for Rulemaking**

The following engineering statement and attached exhibits have been prepared for The Board of Trustees, Illinois State University, and are in support of their petition for rulemaking to reserve channel 252A at Canton, Illinois for non-commercial educational use. If the Commission reserves this channel for non-commercial use, the petitioner will apply for a construction permit for a new facility to serve Canton, Illinois.

This petition would modify the FM table of allotments in Section 73.202(b) of the Commission's Rules as follows:

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Canton, Illinois	252A, 277A, 300B1	252A*, 277A, 300B1

\*Reserved for Non-Commercial Educational use.

This petition contains a study that indicates that the vacant allotment may be reserved for Non-Commercial use as it meets the criteria for such a reservation as contained in the public notice of September 30, 2003 (DA 03-2990) released by the Commission. As this study will demonstrate, a facility located at the reference coordinates for the allocation would provide a first or second local NCE service to at least 10% of the population within the predicted 1 mV/m service contour, and a new NCE station operating in the reserved portion of the FM band would be technically precluded.



The first map in this petition depicts the predicted 1 mV/m (60 dBu) service contour of the Canton, Illinois 252A allocation at the allotted site and reference height and power. In addition to this contour, the predicted 60 dBu service contours of those facilities that would overlap the allotment contour are also depicted. Specifically this includes WIUM at Macomb, Illinois, WCBU at Peoria, Illinois, WCIC at Pekin, Illinois, and the construction permit for WBNH at Pekin, Illinois.

The shaded areas within the allotment contour indicate areas of differing levels of current NCE service. The area within the allotment contour that is colored white is area where the proposed allotment would provide a first local NCE service. In those areas that are green, the Canton allocation would provide a second local NCE service. The dark red areas indicate the areas where the Canton allocation would be in addition to at least two other local NCE facilities.

According to 2000 Census data, the resident population within the predicted 60 dBu service contour of the Canton allocation facility is 48,441 persons. The white area, or area where the Canton allocation would provide a first local NCE service, is defined as the difference between the total population within the allocation contour and the sum of the population within the 2 areas defined by the overlap of the allotment contour and WIUM and the allotment contour and WCBU. The area that is the overlap between WIUM and the Canton

facility contains 1,730 residents, while the area that is the overlap between the Canton facility and WCBU contains 37,068 residents. This results in a total population of 9,643 persons that would receive a first local NCE service from the Canton facility. This population total is equivalent to 19.9 percent of the total population within the Canton allocation 60 dBu service contour.

As indicated on the map, the Canton facility would provide a second local service in two distinct areas. The first of these two areas is defined by the overlap between the Canton facility and the 60 dBu service contour of WIUM, and is the green area on the western side of the Canton contour. According to the 2000 Census data, there are 1,730 residents within this area.

The second area of consideration is defined by the area within the Canton allocation contour that is also within the WCBU 60 dBu service contour, but outside the WCIC 60 dBu service contour. According to the 2000 Census data there are 14,923 residents within this area. The sum of these two areas where the Canton facility would provide a second local NCE service is therefore 16,653 residents or 34.4 percent of the total population within the allocation service contour. It is therefore respectfully submitted that a facility at the reference parameters for the Canton allocation would comply with the served population criterion in that at least 10% of the population within the allocation contour would

receive first or second local service from the allocation. In addition, this population is clearly in excess of 2,000 residents.

Next, a technical preclusion study was performed to demonstrate that Canton, Illinois would be technically precluded from having an NCE facility in the reserved portion of the band. This study was performed in accordance with the details contained in the NCE Second Report and Order. In this study, a circle was drawn with a radius 1 kilometer less than the radius that would occur with a facility at 6 kW ERP and a uniform height above average terrain of 100 meters located at the center of the community of license. Specifically, the radius of this circle is 27.4 kilometers. Then taking this circle and beginning at true north, 4 "test" sites were determined that were equally spaced on the circle. The fifth test site is the center of this circle, also the center of Canton, and is named "City Center" on the maps in the preclusion study. The preclusion for a group of channels is indicated on each map, and each of these preclusions will be discussed.

The first of these preclusion maps illustrates the preclusions for channels 201 through 205. In the case of Channel 201, the predicted 40 dBu F(50,10) contour of co-channel station WLWJ at Petersburg, Illinois, completely encompasses test sites 2, 3, and 4 as well as the entire community of license. Although this contour does not encompass test site #1, any proposed facility at

that location could not be licensed to Canton, Illinois as the 60 dBu F(50,50) contour from such a facility would not serve the community. As a result, it is respectfully submitted that channel 201 would be technically precluded from use at Canton, Illinois

For channel 202, the predicted 54 dBu F(50,10) contour of WBNH at Pekin, Illinois (licensed to channel 203) would encompass test sites 1, 2, and 3 as well as the city of Canton. Although this contour would not encompass test site 4, a facility located at these coordinates could not serve Canton with its 60 dBu F(50,50) service contour. It is therefore respectfully submitted that channel 202 would be technically precluded from use at Canton, Illinois.

On channel 203, the station of concern is WBNH. As this map indicates, the predicted 40 dBu F(50,10) contour of WBNH would encompass all four test sites, plus the entire community of license. Channel 203, would therefore be technically precluded from use at Canton.

The situation on channel 204 is similar to that on channel 202. The 54 dBu interference contour from WBNH would encompass all sites except test site 4. Any facility located at test site 4 could not be licensed to Canton, as the 60 dBu contour would not serve that community.

For channel 205, the facilities that preclude operation at Canton are KLDI and WBNH. KLDI precludes the city center site, as well as test sites 1 and 4 because the predicted 40 dBu interfering contour encompasses these three locations. Test sites 2 and 3 would also be precluded from use as their predicted 60 dBu service contours could not take in Canton as to do so they would have to overlap with the KLDI 40 dBu F(50,10) contour in contravention of the Commission's Rules. Although not indicated on this map, WBNH would also preclude operation at test site 2 as the 60 dBu F(50,50) contour from that facility encompasses that site.

The third map in this study depicts the preclusions for channels 206 through 214. Channel 206 would be precluded from use at Canton as the predicted 40 dBu F(50,10) contour of WGLT at Normal, Illinois would encompass all four test sites, plus the community of license.

In the case of channel 207, two facilities contribute to the preclusion situation. These facilities are WDLM at East Moline, Illinois, and WCBU at Peoria, Illinois. WDLM affects all 5 sites in that the predicted 40 dBu interfering contour encompasses all. WCBU affects test sites 1, 2, and 3 plus the community of license due to these sites being encompassed by the WCBU 60 dBu service contour.

For channel 208, two different facilities preclude operation at Canton.

Test sites 1, 2, and 3, plus the city itself are precluded due to the location of the 60 dBu service contour of WCBU. Test site #4 would be precluded from use due to interference to KWQC at Davenport, Iowa. KWQC is a television channel 6 station. In order to serve Canton from test site 4, maximum ERP and height for the class channel would be required, and it can be inferred from the attached map that such a parameter combination would cause more interference to KWQC than is permitted under the Commission's Rules. It is therefore respectfully submitted that channel 208 would therefore be precluded from being used at Canton.

For channels 209 through 211, the technical preclusion is due to WCBU at Peoria, Illinois. In the case of channels 209 and 211, the 54 dBu interfering contour from WCBU encompasses all four test sites, plus the Canton city center site. In the case of channel 210, the 40 dBu F(50,10) contour from WCBU, although not indicated on the map, also encompasses all four test sites, plus the Canton city center site. The 40 dBu WCBU interfering contour was omitted due to map clutter, however, it is respectfully submitted that if the 54 dBu interfering contour encompasses all of the test sites of consideration, then clearly the 40 dBu interfering contour will also encompass these sites. It should also be noted that the 60 dBu service contour from WCBU encompasses test sites 1, 2, and 3, and the Canton city center site.

On channel 212, two different stations may be used to demonstrate technical preclusion on this channel. One of these stations, WCBU, affects test sites 1, 2, and 3, plus the city center site, while the other facility, WVIK, affects all five sites. The WCBU preclusion is due to overlap of the 60 dBu service contour with the sites mentioned. The preclusion from WVIK is due to the 40 dBu F(50,10) contour of that facility encompassing all five of the sites.

In the case of channel 213, multiple facilities must be considered in order to demonstrate preclusion. Test sites 1, 2, and 3 plus the city center site may all have preclusion at those locations confirmed as the predicted 60 dBu service contour of WCBU encompasses all four of these sites. Test site 4 requires a different combination to demonstrate preclusion, and will be demonstrated on the following map.

The following two maps depict the allocation study for a hypothetical facility located at the location of Test Site 4. At this location, it would be possible to license a facility to operate on channel 213, however, at this location, such a facility would not cover greater than 50 percent of the land area of the city of Canton, nor would it serve greater than 50 percent of the population of Canton.

Returning to the map depicting the preclusions for channels 206 through 214, it can be seen that channel 214 is also precluded from use at Canton. The predicted 40 dBu F(50,10) contour from both BPED-19980319MJ and BPED-19970630MC create the preclusion. Although both of these contours do not encompass all of the test sites, a facility on channel 214 could not be licensed to Canton, as it would not provide the required signal level over the community of license.

The next map depicts the preclusions on channels 215 through 219. The preclusions for channel 220 are depicted on a separate map. This breakdown was done in order to reduce the clutter as much as possible on the exhibits.

One station in particular precludes operation on channel 215. This facility is WILL-FM at Urbana, Illinois. As the map indicates, the predicted 40 dBu F(50,10) interfering contour from this facility encompasses all four test sites, plus the entire community of license. As a result, co-channel operation with WILL-FM would be precluded in Canton, Illinois.

For channel 216, operation at Canton would also be precluded. Two different facilities are used to demonstrate this fact. The first facility is WIUM at Macomb, Illinois. WIUM operates on channel 217, and would therefore be first adjacent to any operation on channel 216. As the map indicates, the predicted



54 dBu interfering contour from WIUM encompasses both test site #3 and test site #4, thereby precluding operation at these two locations. For the other two test sites and the city center site, WCIC at Pekin, Illinois is the precluding station. WCIC operates on channel 218 and therefore any operation at Canton would be second adjacent to this facility. Test site 2 and the city center site would be precluded from use as the 60 dBu service contour from WCIC overlaps these locations. In the case of test site #1, a maximum class A facility would be needed to adequately serve Canton, Illinois, however, such a facility would result in prohibited contour overlap between its 80 dBu F(50,10) contour and the 60 dBu F(50,50) contour of WCIC. It is therefore respectfully submitted that channel 216 is precluded from being utilized at Canton, Illinois.

In the case of channel 217, the precluding station is WIUM at Macomb, Illinois. As the map indicates, the predicted 40 dBu F(50,10) interfering contour from WIUM would totally encompass all four test sites, plus the Canton city center site. As a result, this particular channel would be precluded from use at Canton, Illinois due to prohibited co-channel interference from WIUM.

For channel 218, a single station creates the preclusion for operation in the reserved portion of the band at Canton, Illinois. This station, WCIC at Pekin, Illinois, operates on channel 218. As the map indicates, the predicted 40 dBu F(50,10) interfering contour from WCIC would totally encompass all four test

sites, plus the Canton city center site. Operation on channel 218, would therefore be precluded.

WCIC is also the precluding facility for channel 219 as well. The contour of interest is the 54 dBu F(50,10) from that facility. As the map indicates, this contour would encompass three of the four test sites, plus the city center site. Operation on channel 219 at these locations would then be precluded. In the case of test site 4, although the 54 dBu contour does not encompass it, a facility at this location could not be licensed to Canton, as the 60 dBu service contour would never reach the community. It is therefore respectfully submitted that operation on channel 219 would also be precluded.

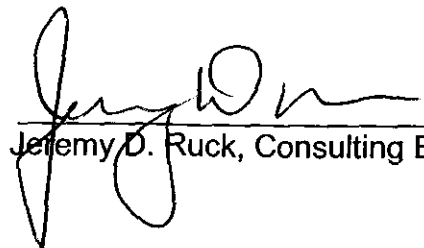
The final channel to be examined for technical preclusion is channel 220. The final map in this petition depicts the situation for this channel. As the map indicates, the predicted 40 dBu interfering contour of WUIS at Springfield, IL would totally encompass all four test sites and the entire community of Canton, Illinois. As a result, it is respectfully submitted that Channel 220 would be precluded from being used at Canton, Illinois.

As the studies attached to this petition demonstrate, there are no reserved channels that would be rule compliant for use at Canton, Illinois. In addition, the studies contained in this petition also demonstrate that there is sufficient need for

an additional NCE facility to serve Canton, Illinois as there is a large population within Fulton County where such a facility would be a first or second local NCE service. The petitioner therefore respectfully requests that channel 252A at Canton, Illinois be reserved for Non-Commercial Educational use.

The preceding statement and attached exhibits have been prepared by me, or under my direction, and are true and accurate to the best of my belief and knowledge.

11/17/2003  
Date

  
\_\_\_\_\_  
Jeremy D. Ruck, Consulting Engineer





